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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,137	06/27/2000	David J. D' Souza	MS1-535US	4048

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EXAMINER

PARDO, THUY N

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 09/05/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,137

Applicant(s)

D' SOUZA ET AL.

Examiner

Thuy Pardo

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-25 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's Amendment filed on June 19, 2003 in response to Examiner's Office Action has been reviewed. Claims 1, 3-5 and 9 have been amended.

2. Claims 1-25 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, and 3-25 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Chiu et al.** (Hereinafter "Chiu") U.S. Patent No. 6,035,121, in view of **Shipley** (Hereinafter "Shipley") U.S. Patent No. 5,634,114.

As to claim 1, Chiu teaches the invention substantially as claimed, a method comprising:
storing a computer application program on one or more computer-readable media
[translations program, col. 3, lines 52-54].

storing a first version of a shared component in the one or more computer readable media [a current version of a program from the first language version such as U.S. English, col. 4, lines 24-25; ab; 100 of fig. 3, 5], for execution on a computer system that stores at least a second version of the shared component [target language version, such as Japanese, col. 4, lines 25-26; ab].

However, Chiu does not explicitly teach that the first component is a functional component of the computer application program that is compatible therewith and an establishment a logical relationship between the computer application program and the first version of the shared component so that the application uses to the first version of the shared component and not the second version of the shared component when the computer application program is executed on the computer system an application program for executing the first version on the computer system. Shipley teaches that the first component is a functional component of the computer application program that is compatible therewith [col. 3, lines 16-23] establishing a logical relationship between the computer application program and the first version of the shared component so that the application uses to the first version of the shared component when the application is executed on the computer system [the application program calls the DLL to establish the version as the one which will be used, see the abstract; col. 3, lines 55-58].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to have modified Chiu's system for localizing a computer version program provided thereof would have incorporated the teachings of Shipley especially the application program for executing version file; the motivation being to expand and enhance the versatility of

Chiu's system by providing a mechanism to insure that the data interfaces between a DLL version file and an executable program are compatible [see Shipley, col. 2, lines 55-61].

As to claim 3, Chiu and Shipley teach the invention substantially as claimed as specified in claim 1 above. Shipley further teaches comprising storing a reference to an indicator in the logical directory [version indicator, col. 10, lines 46-51] where the computer application program and the first version of the shared resource are referenced, the indicator indicating to the computer application that the first version of the shared resource referenced by the indicator is referenced in the logical directory where the computer application program is referenced [col. 4, lines 55-63; see fig. 3].

As to claim 4, Chiu and Shipley teach the invention substantially as claimed as specified in claim 1 above., with the exception of computer-executable instructions. However, since Chiu and Shipley teach the translation instructions and comments for storing an application in a directory of to a computer system, storing a local version of a shared program component in the directory, and installing a file that indicates to the application that the application should utilize the local version of the shared program component [see the abstract], the feature of computer-executable instructions is inherent in the system in order to manipulate these functions.

As to claim 5, Chiu and Shipley teach the invention substantially as claimed. Shipley further teaches calling a shared component in a computer system [8, 10 of fig. 2]. Chiu further teaches

detecting a local file that indicates the presence of a locally-stored version of the shared component [145 of fig. 5]; and in response to detecting the local file, utilizing the locally-stored version of the shared component instead of a global version of the shared component present in the computer system [145 of fig. 5; col. 6, lines 46-50]. Shipley further teaches that the local file being a different file than the shared component itself [the executable application being a different file than the DLL version, ab; col. 3, lines 10-26].

As to claim 6, Chiu and Shipley teach the invention substantially as claimed as specified in claim 5 above. Chiu further teaches searching for the local file when the shared component is called and, if the local file is not found, utilizing a global version of the shared component [col. 4, lines 48-54].

As to claim 7, Chiu and Shipley teach the invention substantially as claimed as specified in claim 5 above. Chiu further teaches that the local file is an empty file [inherent in the local system in order to store a localized version in a target language, see the abstract].

As to claim 8, Chiu and Shipley teach the invention substantially as claimed as specified in claim 5 above. Chiu further teaches that one or more computer-readable media containing computer executable instructions [inherent in the system, see the abstract].

As to claim 9, Chiu and Shipley teach the invention substantially as claimed. Chiu further teaches storing a first version of a shared component in the computer system for execution on the computer system [100 of fig. 3], the computer system storing at least a second version of the shared component [145 of fig. 3]. Shipley further teaches storing a computer application program in a computer system [see the abstract] and the computer application program is configured to utilize the first version of the shared component and not the second version of the shared component when the computer application program is executed on the computer [col. 7, lines 56-67].

As to claim 10, Chiu and Shipley teach the invention substantially as claimed as specified in claim 9 above. Shipley further teaches that the computer application program is stored on a hard disk drive of the computer system [col. 5, lines 21-39], the hard drive having discrete memory partitions [col. 5, lines 29-38], and the computer-executable instructions further perform storing the computer application program [ab]. Chiu further teaches storing the first version of the shared component within a first memory partition and storing the second version of the shared component in a second memory partition [100, 105, 160 of fig. 3].

As to claim 12, Chiu and Shipley teach the invention substantially as claimed as specified in claim 9 above. Shipley further teaches that the shared component stored by the computer-executable instructions is a component object model (COM) component [col. 2, lines 21-28].

As to claim 13, Chiu and Shipley teach the invention substantially as claimed as specified in claim 9 above. Chiu further teaches that the shared component stored by the computer-executable instructions is a dynamic link library (DLL) component [DDLs, col. 9, lines 21-34; ab; fig. 3-4].

As to claim 14, Chiu and Shipley teach the invention substantially as claimed as specified in claims 9 and 10 above. Chiu further teaches memory divided into a plurality of discrete partitions [col. 6, lines 11-15, 46-50; current version resource and localized current version, see fig. 3]; a first version of a shared component stored in a second memory partition [stored in resource database, fig. 4], the first version of the shared component useable by at least a second application program, a second version of the shared component stored in the first memory partition [col. 4, lines 23-26]. Shipley further teaches an indicator that, when present, indicates the existence of the second version of the shared component; and wherein the first application utilizes the second version of the shared component if the indicator is present [”OK” flag, ab; col. 10, lines 46-51].

As to claim 15, Chiu and Shipley teach the invention substantially as claimed as specified in claim 14 above. Shipley further teaches that the indicator includes a file having a name conforming to a pre-defined type [preferred version, fig. 2].

All elements of this claims 11 and 16-25 are rejected in the analysis above, and these claims are rejected on that basis.

Allowable Subject Matter

5. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an Examiner's Statement of Reasons for Allowance:

As to claim 2, the prior art of record fails to teach or suggest individually or in combination configuring a logical directory data structure that has multiple logical directories so that the computer application program and the first version of the shared component are referenced within a first logical directory, and that the second version of the shared component is referenced within a second logical directory, taken together with other limitations of claim 1 was not disclosed by the prior art of record.

6. Applicant's arguments with respect to claims 1, 3-25 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	(After Final Communication)
(703) 746-7239	(Official Communication)
(703) 746-7240	(For Status inquiries, draft communication)

and/or:

(703) 746-5616 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to them on occasions*).

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

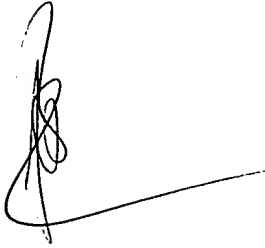
(703) 308-5359, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

A handwritten signature in black ink, consisting of a stylized, cursive 'T' followed by a long horizontal stroke.

Thuy Pardo
September 02, 2003